



**Ohio State Emergency Response Commission**

Emergency Planning and Community Right-to-Know  
P.O. Box 1049, 1800 WaterMark Drive  
Columbus, Ohio 43216-1049

*J. Jacobs*

*J.E.P.A.  
S.E.D.O.*

*Jefferson*  
"Working to improve statewide preparedness and response to chemical emergencies and to improve public awareness of potential chemical hazards."

97 NOV 13 AM 11:42

George V. Voinovich  
Governor

**CERTIFIED MAIL RETURN RECEIPT**

November 12, 1997

Ms. Catherine Glorious  
(DBA) Jefferson Processing

NON- RESPONSIVE

&

Mr. Gary Smith  
Argo Sales Inc.

NON- RESPONSIVE

946826

RE: **Notice of Violations**  
**EPCRA Reporting Requirements**  
Facility located at:  
C.R. 74 (Goulds Road)  
Cross Creek Township  
Jefferson County, Ohio

Dear Ms. Glorious and Mr. Smith:

It has been brought to the attention of the State Emergency Response Commission (SERC/Ohio EPA) that your entity has failed to file, from March 1, 1995 to the present, the annual Facility Identification Form, Emergency and Hazardous Chemical Inventory Form, Facility Map, and Filing Fees as required by Ohio Revised Code (ORC) Chapter 3750 and Ohio Administrative Code (OAC) Chapter 3750 for the referenced facility. The SERC has learned the referenced facility stores or uses hazardous chemicals including polychlorinated biphenyl (PCB) oils and diesel fuel in quantities exceeding the threshold reporting quantity. The Jefferson County Local Emergency Planning Committee (LEPC) has previously contacted you and/or provided you with the necessary instructions and materials, requesting that the documents and filing fees be properly filed. To date, the SERC, the LEPC, and the jurisdictional fire department have not received the mandated items.

Further, on October 21, 1996, the SERC was informed that a reportable quantity of diesel fuel was released from the referenced facility, migrated off-site, and entered Cross Creek. Revised Code Chapter 3750 and OAC Chapter 3750 require verbal notification the SERC, LEPC, and fire department within thirty minutes of release discovery, and written follow-up notification to the SERC, and LEPC within thirty days of a reportable release. Notifications to you by the Jefferson County LEPC informing you of these responsibilities have gone unanswered, and to date the LEPC and SERC have not received the required verbal and written reports.

Currently, Jefferson Processing and Argo Sales Inc., as owners and/or operators of the referenced facility are in violation of the following sections of the ORC and the OAC:

EPA Region 5 Records Ctr.



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**(1) ORC 3750.07 & .08 and OAC 3750-30-10, General Facility Identification Requirements:** A facility owner or operator shall annually prepare a Facility Identification Form as prescribed and submit it to the Ohio EPA, the LEPC, and the jurisdictional fire department;

**(2) ORC 3750.07 & .08 and OAC 3750-30-20, Emergency and Hazardous Chemical Inventory Form:** A facility owner or operator shall annually prepare an Emergency and Hazardous Chemical Inventory Form and Facility Map as prescribed and submit them to the Ohio EPA, the LEPC, and the jurisdictional fire department;

**(3) ORC 3750.13 and OAC 3750-50-01, Annual Inventory Filing Fees and Form:** An owner or operator of a facility shall pay to the SERC an annual inventory filing base fee for the preceding calendar year that must be submitted on or before the first day of March of each year. An owner or operator of a facility that fails to submit the annual inventory filing fee by March 31 of each year shall pay a late fee of 15% of the total fees. Effective July 27, 1991, the late filing fee shall be compounded every three (3) months until the total fees due have been received.

**(4) ORC 3750.06 and OAC 3750-25-25, Notice of Release of Hazardous Substances; Follow-up Notice:** An owner or operator of a facility where a hazardous chemical is produced used, or stored from which a release of oil occurs in excess of the reportable quantity shall provide to the SERC and LEPC as soon as practicable, but not later than thirty days after a release, a written follow-up report updating information previously provided and detailing subsequent actions.

In order to abate **violations (1) & (2)**, you must submit the annual Facility Identification Form, Emergency and Hazardous Chemical Inventory Form, and Facility Map for inventory years 1994, 1995 and 1996 to the SERC, the Jefferson County LEPC, and the jurisdictional fire department no later than November 26, 1997. The documents for the SERC should be sent to Ohio EPA, Attn: RTK, 1800 WaterMark Drive, P.O. Box 1049, Columbus, Ohio 43216-1049. The documents for the Jefferson County LEPC should be sent to the attention of Mr. George Starliper, Director, 423 North Street, Steubenville, Ohio 43952. The documents for the jurisdictional fire department should be sent to the fire station that would respond to your facility.

To abate **violation (3)**, a completed Filing Fee Worksheet and a check made payable to the Treasurer, State of Ohio, in the amount of **\$418.09** for past fees and late fees must be submitted to Ohio EPA, Department 409, Columbus, Ohio 43265-0409. The worksheet and check must be received by November 26, 1997.

To abate **violation (4)**, a written follow-up report meeting statutory requirements for content and format must be submitted to the SERC and LEPC no later than November 26, 1997.

If you choose not to file these statutory required documents and pay all fees owed to the State by the given deadline, we will refer this issue to the Ohio Attorney General's Office for collection

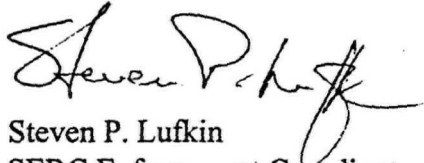
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and/or enforcement action(s). Section 3750.20 of the ORC provides for a civil penalty of up to \$10,000 for each day of each violation.

Failure to list specific deficiencies in this communication does not relieve you from the responsibility of complying with all applicable regulations. This letter does not relieve Jefferson Processing or Argo Sales, Inc. from liability for any past or present violations of the State's Emergency Planning and Community Right-to-Know Act laws.

Should you have any questions, I can be reached by telephone at (614) 644-2267.

Sincerely;



Steven P. Lufkin  
SERC Enforcement Coordinator  
Ohio EPA, DERR, CEPU

cc: George Starliper, Jefferson County LEPC  
Craig J. Allen Esq., Jefferson County Assistant Prosecuting Attorney  
Jonathon Jacobs, Ohio EPA, DERR, SEDO  
Grant Wilkinson Esq., Attorney for Catherine Glorious  
SERC File